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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37604-2025
Decided on: 18.08.2025

Hardeep Singh @ Honey

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jatinderpal Singh, Advocate and
Mr. Tejbir Singh Hundal, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
197	13.11.2024	City South, District Moga	111, 111(2), 308, 308(2) & 308(3) of BNS 2023 (old Sections 383, 384, 385 IPC)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That brief facts of the case are that, on 13.11.2024 a police party of CIA Staff, Moga, headed by ASI Varinder Kumar no.676/Moga was present at Bahona Chowk, Moga in connection with patrolling and checking of suspected persons then special informer came there and informed that Lakhvir Singh @ Lucky Brar son of Mukhtiar Singh who is residing in Canada alongwith his companions namely Arshdeep Singh @ Arsh son of Paramjit Singh, Gurjit Singh @ Jagga son of Jagtar Singh,



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Hardip Singh @ Honey son of Charanjit Singh, Kuldip Singh @ Laddu son of Binder Singh, Gardaur Singh @ Bhalla, all residents of village Charik and 4/5 unknown accused had formed a group and all of them in connivance with each other used to extort money from the innocent people after making threatening calls to them. On the basis of said information ASI Varinder Kumar got registered the present case by sending ruqa to the police station.

5. That on the basis of said information, police party headed by ASI Varinder Kumar started searching above said accused person and when police party reached at Bus Stand Jhandewala then 5 persons were spotted, who were sitting on the cemented benches constructed under the trees On the basis of suspicion ASI Varinder Kumar got stopped the vehicle and apprehended all of them, on enquiry first disclosed his name as Arshdeep Singh @ Arsh son of Paramjit Singh resident of Charik, second disclosed his name as Gurjit Singh @ Jagga son of Jagtar Singh resident of Charik, third disclosed his name as Hardeep Singh @ Honey son of Charanjit Singh, forth disclosed his name as Kuldip Singh @ Laddu son of Binder Singh resident of village Charik, fifth disclosed his name as Girdaur Singh son of Bholu Singh resident of village Charik. Police party tried to join public witness, but nobody becomes ready for the same. During search of accused Arshdeep Singh @Arsh one mobile make Oppo A-59 containing sim connections no.76259-08050, 78374-08050 was recovered. During search of Gurjit Singh @ Jagga one mobile make Vivo Y31 containing sim No.98778-09515 was recovered. During search of Kuldip Singh @ Laddu one mobile make Redmi containing sim no.98140-77091 was recovered. During search of Girdaur Singh one phone make MI containing sim no.98142-43138 was recovered. During search of accused Hardeep Singh one mobile make Redmi Note-8 containing sim no.78148-21942 was recovered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this



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FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State’s counsel opposes bail and refers to following portion of the reply, which read as follows:

“11. Evidence based on Which petitioner was arraigned as accused:

Initially FIR was registered against petitioner and his co-accused on the basis of secret information. On the basis of said information police raided the place as informed by the informer and apprehended the petitioner and his co-accused from the spot.”

REASONING:

6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Whether petitioner is involved in organized crime and he is a member of any gang, is a matter of evidence. Per status report, petitioner has clean antecedents. Co-accused already granted bail vide order dated 29.07.2025 passed in CRM-M-16874-2025 by this Court.

7. Per paragraph 10 of the bail petition, the petitioner has been in custody since 13.11.2024. Per the custody certificate dated 17.08.2025 the petitioner’s total custody in this FIR is 09 months & 01 day.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
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2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the society; it would also restrain the accused from influencing the witnesses and repeating the offense.

15. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

16. It is clarified that if the petitioner violates any bail condition, the State and/or the

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victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

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Whether speaking/reasoned: Yes
Whether reportable: No.